THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.23931 of 1995

Dated: 08th August, 2006

Between:

Egitala Srinivasulu, S/o.Garataiah,
Aged about 39 year, R/o.D.No.7/222,
Mittapalem, Gudur, Nellore Dist.

... Petitioner

and

1. The Depot Manager, APSRTC,
   Gudur, Nellore Dist.,
   and another

... Respondents

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Oral Order:

Heard.

2. The petitioner is workman. Disciplinary proceedings were initiated against him for certain allegations. There is no dispute with regard to the conduct of the disciplinary proceedings and in the said proceedings, the Enquiry Officer found him guilty of the charges levelled. Consequently, he was removed from service. Against the said removal, he preferred a departmental appeal before the Divisional Manager, who rejected the same. Challenging the same, he raised an industrial dispute I.D.No.279 of 1992 before the Labour Court, Guntur. The Labour Court, having considered the evidence on record, both oral and documentary, exercising its discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, 1947 (for brevity "the Act"), by award dated 07-11-1994, directed reinstatement of the workman but without back wages, having found the charges as proved.

3. It is seen that both the authorities i.e., the Disciplinary Authority as well as the Labour Court had found the petitioner guilty on the charges levelled against him. However, having exercising its discretionary jurisdiction and having regard to the magnitude of the charges, Section 11-A of the Act had been invoked by the Labour Court and it appears that the same had been complied with and directed the first respondent-Management to reinstate the workman without back wages maintaining the continuity of service within one month from the date of notification.

4. In such view of the matter, I do not find any reason to interfere with the impugned award, dated 07-11-1994, passed by the Presiding Officer, Labour Court, Guntur.

5. Accordingly, this Writ Petition is dismissed. No costs. It is needless to state that the interim applications pending, if any, shall stand closed.

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D.S.R.VARMA, J

08th August, 2006.

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